UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,545	06/18/2001	Takeshi Fujita	450131-03247	1281

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EXAMINER
ZHOU, TING

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/806,545	FUJITA ET AL.
	Examiner	**Art Unit**
	Ting Zhou	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _12 May 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13, 15 and 17-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-13,15 and 17-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _12 May 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☒ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   The amendment filed on 12 May 2004 have been received and entered. Claims 1-

24 as amended are pending in the application. Of the above claims, claims 14 and 16

have been cancelled by the applicant and are therefore withdrawn from consideration;

claims 21-24 have been added.

Claim Objections

2.   Claim 8 is objected to because of the following informalities: the use of "file

managed in the second managing area is access" on line 14 of the claims is

grammatically incorrect. It is suggested that the phrase be changed to -- file managed in

the second managing area is accessed --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-17 and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated

by Hoyle U.S. Patent 6,141,010.

Referring to claim 1, Hoyle teaches a computer readable recording medium

(computer readable apparatus and memory recited in column 4, lines 53-57) on which an

image file, including data used to display an image, is recorded (a data set, including the

image, for each banner is recorded in the banner database) (column 14, lines 59-65),

wherein, at least one of identification information inherent to the image file, pointers of

one or a plurality of information, an index of a menu item corresponding to the image file

and an entity of a predetermined program is recorded (in the banner database, each data

set, or image file, includes information such as the image file names representing

identification information inherent to the image file, destination link pointers to websites,

an index or table of menu item information corresponding to the image file and an entity

of a predetermined program such as the priory level or associated image file programs are

recorded) (column 5, lines 48-67 and column 14, lines 59-67 through column 15, lines 1-

6). This is further shown in Figure 7.

Referring to claim 2, Hoyle teaches a computer readable recording medium

(computer readable apparatus and memory recited in column 4, lines 53-57) on which an

image file is recorded (database recording data sets, or image files, for displaying

banners) (column 14, lines 59-65), the image file including a first area for recording data

used to display an image (the data set includes a first area for recording the image

themselves, such as "Banner01.gif", "Banner02.gif", etc., shown in Figure 7) (column 14,

lines 59-60) and a second area for recording data related to but not used to display the

image (the data set includes a second area for recording data related to the image, such as

the destination link, associated categories, associated links, associated programs and

priority level) (Figure 7), wherein, at least one of identification information inherent to

the image file, pointers of one or a plurality of information and an entity of a

predetermined program is recorded in the second area (in the banner database, each data

set, or image file, includes a second area for storing information such as the image file

names representing identification information inherent to the image file, destination link

pointers to websites, an index or table of menu item information corresponding to the

image file and an entity of a predetermined program such as priory level or associated

image file programs are recorded) (column 5, lines 48-67 and column 14, lines 59-67

through column 15, lines 1-6).

Referring to claim 3, Hoyle teaches a computer readable recording medium

(computer readable apparatus and memory recited in column 4, lines 53-57) on which an

image file, including data used to display an image, is recorded (a data set, including the

image, for each banner is recorded in the banner database) (column 14, lines 59-65),

wherein, at least one of identification information inherent to the image file, pointers of

one or a plurality of information, an index of a menu item corresponding to the image file

and an entity of a predetermined program is recorded in an area of the image file that is

ignored when data from the image file is used to display an image (in the banner

database, each data set, or image file, includes information such as the image file names

representing identification information inherent to the image file, destination link pointers

to websites, an index or table of menu item information corresponding to the image file and an entity of a predetermined program such as priory level or associated image file programs are recorded; these information, exemplified by the categories of destination link, associated categories, associated links, associated programs and priority level, shown in Figure 7, are not displayed when displaying the banner; when displaying the banner, only the image itself is displayed) (column 5, lines 48-67 and column 14, lines 59-67 through column 15, lines 1-6). This is further shown in Figure 7.

Referring to claim 4, Hoyle teaches a compute readable recording medium (computer readable apparatus and memory recited in column 4, lines 53-57) on which an image file is recorded (a data set, including the image, for each banner is recorded in the banner database) (column 14, lines 59-65), wherein, a pointer to information used to display an image (a pointer to information such as the destination link of the banner) and an instruction for handling the information (such as the priority level of the banner and destination) are embedded in the image file, the pointer and the instruction configured to be dealt as one pair so that one pair or a plurality of pairs of the pointer and the instruction is recorded (the data set, or image file, represented by each row of the database shown in Figure 7, comprises the destination link, or pointer and the priority level, or the instructions for handling the banner; these information for each banner advertisement are stored as one row, or set of data in the database) (column 5, lines 48-67 and column 14, lines 59-67 through column 15, lines 1-6).

Referring to claim 5, Hoyle teaches recording means on which an image file is recorded (storing data sets for banners in the database) (column 14, lines 59-60), input means for inputting at least one of pointers of one or a plurality of information, an index

for a menu item corresponding to the image file and identification information of an

entity of a predetermined program (input means such as keyboard and mouse are used to

input information such as pointers, or URL of the desired webpage) (column 7, lines 17-

18 and column 9, lines 49-52) and information processing means for recording, at least

one of the pointer of the information input from the input means, the index of the menu

items corresponding to the image file and the entity of the program corresponding to the

identification information (storing, in the banner database, each data set, or image file,

including information such as the image file names representing identification

information inherent to the image file, destination link pointers to websites, an index or

table of menu item information corresponding to the image file and an entity of a

predetermined program such as priory level or associated image file programs are

recorded) (column 5, lines 48-67 and column 14, lines 59-67 through column 15, lines 1-

6).

Referring to claim 6, Hoyle teaches a medium on which an image file creation

program (the GUI module and ADM module shown in Figure 2) is recorded which

causes a computer to execute the steps of receiving at least one of pointers of one or a

plurality of information, an index for a menu item corresponding to the image file and

identification information of an entity of a predetermined program and recording, in a

data stream of an image file stored in memory means, the pointers of the information

input from the input means, the index of the menu items corresponding to the image file

and/or the entity of the program corresponding to the identification information (creating

a banner database comprising data sets, or image files, including information such as the

image file names representing identification information inherent to the image file,

destination link pointers to websites, an index or table of menu item information corresponding to the image file and an entity of a predetermined program such as priory level or associated image file programs are recorded) (column 5, lines 48-67 and column 14, lines 59-67 through column 15, lines 1-6).

Referring to claim 7, Hoyle teaches a medium on which an image file, comprising a recording medium according to claims 1, 2, 3 or 4 (computer readable apparatus and memory recited in column 4, lines 53-57 and column 14, lines 59-67), and information processing means for reading out the image file from the recording medium in response to a request from a terminal device and returning it to the terminal device (displaying the image file, or destination banner/URL in response to user interaction with the computer), as recited in column 5, lines 48-67 and column 9, lines 49-57.

Referring to claim 8, Hoyle teaches a medium for recording an image file processing program (the GUI module and ADM module shown in Figure 2) in order to cause a computer to execute the steps of monitoring an access to an information image file managed in a first managing area (the first window region displayed on the GUI comprises user-selectable items, associated with image files, or data sets) (column 4, lines 19-32), displaying an image based on image related information included in the information image file on a second managing area, and managing the information image file on the second managing area, when the information image file managed in the first managing area is accessed (the second program module, in response to user selection of one of the links in the first window region, can select associated information, stored as data sets, or image files, in the database, to be displayed in the second, or information display region) (column 4, lines 32-49), monitoring an access to an information image

file managed in the second managing area, accessing and executing a file pointed to by

the predetermined pointer or a corresponding file stored in advance on a local recording

medium, when the information image file managed in the second managing area is

accessed (in response to user interaction with the computer, such as user clicking on a

banner advertisement displayed in the second, or information display region, the

programs, or links associated with the advertisement are initiated) (column 9, lines 49-

59). For example, as shown in Figures 5, 5a and 7, in response to the category selected

by the user from the first managing area comprising the hierarchical display of selectable

categories (Figure 5a), corresponding banner ad 78 is displayed in the second managing

area (Figure 5), and upon user selection of the advertising banner, the user is directed to

the corresponding link associated with the banner; the information associated with each

banner is stored as an image file data set in the database (each row of the banner

database) (Figure 7).

Referring to claim 9, Hoyle teaches an access to an information image file

managed in the first managing area being a drag and drop operation for a corresponding

image, as recited in column 10, lines 11-18.

Referring to claim 10, Hoyle teaches an access to an information image file

managed in the first managing area being a selection operation for a menu displayed with

respect to the corresponding image, as recited in column 9, lines 39-44 and further shown

by reference character "70" in Figure 5.

Referring to claim 11, Hoyle teaches an access to an information image file

managed in the first managing area being a drag and drop operation for a menu (drag and

drop operations for adding or removing buttons on the toolbar menu) displayed with

respect to a corresponding information image file, as recited in column 11, lines 21-29.

Referring to claim 12, Hoyle teaches an access to an information image file

managed in the first managing area being a click operation for a corresponding image, as

recited in column 9, lines 57-59 and column 15, lines 3-6.

Referring to claim 13, Hoyle teaches an access to an information image file

managed in the first managing area being a drag and drop operation for a corresponding

information image file, as recited in column 10, lines 11-18.

Referring to claim 15, Hoyle teaches the first managing area being a window for

viewing a web page of a WWW browser, a window for viewing a body of e-mail

software, a window for checking an attached file of e-mail software, a folder window for

referring a file stored on a recording medium, or a window which is displayed by

operating input means for an image or an image file (the first managing area displays a

graphical user interface comprising a window capable of displaying links to different

information sources, such as WWW pages or image files such as banners), as recited in

column 4, lines 22-35.

Referring to claim 17, Hoyle teaches the first managing area and second

managing area formed and managed by independent programs (the first managing area is

formed and managed by the first program module, or GUI module and the second

managing area is formed and managed by the second program module, or the ADM

module), as recited in column 4, lines 19-50 and column 6, lines 62-65.

Referring to claim 19, Hoyle teaches a view of the first managing area and a view

of the second managing area displayed simultaneously with a frame, as shown in Figures

5 and 5a, where the area for displaying ads is shown in the same window, or frame, as the GUI containing the menu item icons for manipulating the interface display.

Referring to claim 20, Hoyle teaches when an access is made to an information image file managed in a first markup description language file which is a first managing area, a second markup description language file which is a second managing area is read out from memory means, and, after the second markup description language file is updated so that the second markup description language file manages the information image file, the second markup description language file is executed (when the user selection of a link in the first program module is detected, the second program module is operable to select and display the informational data), as recited in column 4, lines 19-49.

Referring to claims 21-24, Hoyle teaches an information processing means for reading out the image file from the recording medium in response to a request and displaying the image file on a display device (in response to user selection of a category shown in Figure 5a, such as "Sports", "Players", etc., an associated banner advertisement image associated with the category selection will be displayed) (column 4, lines 19-49, column 5, lines 48-67 and column 9, lines 49-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyle

U.S. Patent 6,141,010, as applied to claims 8 and 17 above, and further in view of Shaw

et al. U.S. Patent 5,809,242.

Referring to claim 18, while Hoyle teaches all of the limitations as applied to

claims 8 and 17 above, Hoyle fails to explicitly teach view selection tabs for selecting

one of views of a first managing area and a view of a second managing area. Shaw et al.

teach an image file (banner) processing device similar to that of Hoyle. In addition,

Shaw et al. teach displaying view selection tabs for selecting one of views of a first

managing area (first managing area tab for reading emails) and a view of a second

managing area (second managing area tab for writing emails) in order to display

selectively the managing area at a side of a tab selected through input means, as recited in

column 16, lines 66-67 and continuing onto column 17, lines 1-19, and further shown in

Figure 8. It would have been obvious to one of ordinary skill in the art, having the

teachings of Hoyle and Shaw et al. before him at the time the invention was made, to

modify the image file processing system of Hoyle to include the use of selection tabs

taught by Shaw et al. It would have been advantageous to make such a combination in

order to better organize the display of information shown to the user; separating

information categories into groups and displaying them in separate tabs will allow the

users to see all the functions and information relating to one group, without getting

confused by the cluttered display of mixed information from multiple groups.

5.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to

consider these references fully when responding to this action. The documents cited

therein teach similar methods and systems for storing images and their associated

information together.

Response to Arguments

6.   Applicant's arguments filed on 12 May 2004 have been fully considered but they

are not persuasive.

Applicant particularly pointed out that the independent claims recite 'an image

file, including *data used to display an image*, recorded on a computer readable recording

medium "wherein at least one of identification information inherent to the image file,

pointers of one or a plurality of information, an index of a menu item corresponding to

the image file, and an entity of a predetermined program is recorded in the image file."'

Applicant further asserts that the Hoyle references fails to teach the image file containing

the image data together with the link to the image data and that they are actually separate

from each other. The examiner respectfully disagrees. Hoyle teaches that each data set

file in the database, or each image file, contains the image itself and also data used to

display the image, such as the name of the image file, the destination link, associated

categories, associated links, associated programs and priority level (column 5, lines 48-67

and column 14, lines 59-67 through column 15, lines 1-6). For example, all of the above

information for the banner image "Banner01.gif" are stored together as one dataset on the

first row of the database shown in Figure 7. Therefore, the image file comprising the

image data, or banner image, also comprises the associated and destination links for the image file. Since the banner images and the corresponding links are stored together as one data set, it can be seen that the Hoyle reference anticipates the subject invention.

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

14 June 2004

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER